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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/098,667

03/15/2002

Alex Mashinsky

5068-15

5716

27799

7590

05/18/2007

COHEN, PONTANI, LIEBERMAN & PAVANE

551 FIFTH AVENUE

SUITE 1210

NEW YORK, NY 10176

EXAMINER

AL AUBAIDI, RASHA S

ART UNIT

PAPER NUMBER

2614

MAIL DATE

DELIVERY MODE

05/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>		<b>Applicant(s)</b>	
	10/098,667		MASHINSKY ET AL.	
	<b>Examiner</b>		<b>Art Unit</b>	
	Rasha S. AL-Aubaidi		2614	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5, 6 and 21-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-6 and 21-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Response to Amendment***

1. This in response to amendment filed 02/06/2007. Claims 25-38 have been added. Claims 4 and 7 have been canceled. Claims 25-38 have been amended. Claims 1-3, 5-6 and 25-34 are still pending in this application.

***Claim Rejections - 35 USC § 102***

2. Claims 1-3 and 5-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Bolduc et al (US Pat No. 6,404,877), herein after referred as Bolduc.

Regarding claim 1, referring to figures 1-3, Bolduc teaches a method, comprising:  
receiving at a processor (e.g., service node 190) a telephone call having routing information (e.g., caller's request for a product of interest) from an originating party (e.g., caller 100) (see figs 1-3; col. 2. In 36-col. 3, In 7; and col. 5, In 21-col. 6, In 50);

routing the telephone call from the processor to a terminating party (e.g., Mountain Bikes of Denver, Colo.) based on the routing information (see figs 1-3; col. 2. In 36-col. 3, In 7; and col. 5, In 21-col. 6, In 50);

determining an identity of the terminating party at the processor (see figs 1-3; col. 2. In 36-col. 3, In 7; and col. 5, In 21-col. 6, In 50);

determining at the processor targeted marketing material based on the identity of the terminating party (see figs 1-3; col. 2. In 36-col. 3, In 7; and col. 5, In 21-col. 6, In 50); and

providing the targeted marketing material from the processor to the originating party (see figs 1-3; col. 2, ln 36-col. 3, ln 7; and col. 5, ln 21-col. 6, ln 50).

As to claims 5-6 and 21-24, Bolduc teaches the invention substantially as claimed as described in figs 1-3; col. 2, ln 36-col. 3, ln 7; and col. 5, ln 21-col. 6, ln 50.

### ***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bolduc in view of Baker.

Regarding claim 25, Bolduc does not specifically teach the use of a VOIP transaction received from the originating party as recited in claim 25.

However, Baker teaches in a call center 210 that is configured to include information assistance service provider 230 (as shown in Fig. 3), a voice information maybe packetized and transmitted to a VOIP through the Internet (see col. 6, lines 11-28).

Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature of receiving a VOIP transactions from a caller/originating party, as taught by Baker, into the Bolduc system in order to expand

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the caller's options and provide flexibility. At end this will enhance the system and provide a better and wider service to customers/callers.

Claims 26-34 are rejected for the same reasons as discussed above with respect to claims 1-3, 5-6 and 21-25, respectively.

### ***Response to Arguments***

5. Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

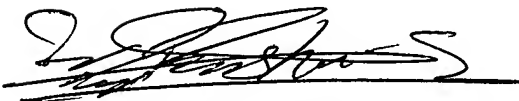
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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

.7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rasha S AL-Aubaidi whose telephone number is (571) 272-7481. The examiner can normally be reached on Monday-Friday from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (571) 272-7488.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



RASHA S. AL-AUBAIDI  
PATENT EXAMINER

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**05/13/2007**